

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEGALFORCE RAPC WORLDWIDE,
P.C.,

Plaintiff,

v.

TRADEMARK ENGINE LLC, et al.,
Defendants.

Case No. [17-cv-07303-MMC](#)

**ORDER DISMISSING ACTION, AS
ALLEGED AGAINST DEFENDANT
TRAVIS CRABTREE, WITH
PREJUDICE; STRIKING NOTICE OF
VOLUNTARY DISMISSAL; DENYING
AS MOOT MOTION TO STRIKE AND
FOR DISMISSAL**

By order filed October 31, 2018, the Court granted in part and denied in part defendants' motion to dismiss the Second Amended Complaint. In so doing, the Court dismissed, for failure to state a claim, all claims against defendant Travis Crabtree, afforded plaintiff leave to amend its claims against him, and set a deadline of November 16, 2018, for plaintiff to amend. Plaintiff did not amend within the time provided. Rather, on November 29, 2018, plaintiff filed a "Notice of Voluntary Dismissal of Defendant Travis Crabtree" by which it "seeks to dismiss defendant Travis Crabtree from this action without prejudice." (See Notice, filed November 29, 2018, at ¶ 1.)


Under Rule 41(b) of the Federal Rules of Civil Procedure, an order granting a defendant's motion to dismiss, with limited exceptions not applicable here, "operates as an adjudication on the merits." See Fed. R. Civ. P. 41(b). Consequently, upon the expiration of the above-referenced deadline to amend, the Court's order of October 31, 2018, operated as a dismissal with prejudice of plaintiff's claims against Travis Crabtree.

Accordingly, the above-titled action, as alleged against Travis Crabtree, is hereby DISMISSED with prejudice, and plaintiff's Notice of Voluntary Dismissal of said defendant

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is hereby STRICKEN.¹
IT IS SO ORDERED.

Dated: December 10, 2018


MAXINE M. CHESNEY
United States District Judge

¹In light of the above, defendant Trademark Engine LLC's "Motion to Strike Notice of Voluntary Dismissal of Defendant Travis Crabtree and Motion for Dismissal With Prejudice," filed December 4, 2018, is hereby DENIED as moot.